

Middle-Mile Broadband Network (MMBN) Infrastructure Projects – Cultural Resources

MMBN – 0452 (New 06/25)

In addition to the attached Encroachment Permit General Provisions (TR-0045), the following special provisions are also applicable to Middle-Mile Broadband Network (MMBN) projects:

1. GENERAL: The California Department of Technology (CDT) is partnering with joint builders, including private broadband providers, to install broadband infrastructure within the State highway right-of-way as part of the MMBN infrastructure. "Joint Builder" refers to MMBN partners, whether the infrastructure is owned or leased by CDT.

2. APPLICABILITY: These provisions apply to CDT MMBN joint build projects when cultural resources are identified in the permittee's MMBN project.

3. CULTURAL RESOURCES

3-1 GENERAL

3-1A Summary

Section 3-1A includes general specifications for cultural resource protection, cultural resource monitoring, and cultural environmentally sensitive areas (ESA).

Cultural resource monitoring areas and cultural ESAs are identified and mapped in the issued encroachment permit plans.

3-1B Definitions

Cultural environmentally sensitive area: An area of restricted or limited access established to protect cultural resources from direct or indirect effects of project activities or personnel access.

Cultural monitoring area: Area within or near construction limits where access is allowed but work is subject to archaeological and/or tribal monitoring.

Cultural resources: Sites, features, places, cultural landscapes, or objects that have cultural value to individuals, groups, and/or California Native American tribes. These include the remains of past human activity, including but not

limited to historic-era and prehistoric material such as tools and tool fragments, hearth and food remains, structural remains, and human remains.

3-1C Department Professionally Qualified Staff

Department Professionally Qualified Staff (PQS) are identified in the table below:

Department PQS	
Name	Contact information

3-2 Discoveries and Unanticipated Effects

3-2A General

When unknown cultural resources are discovered within or near construction limits, or known cultural resources are subject to unanticipated effects, do not further disturb the resources and immediately:

1. Stop all work within a 60-foot radius of the discovery
2. Secure the area
3. Notify the State Representative and Department PQS

The State Representative and Department's PQS investigate the discovery. Do not move resources or take them from the job site.

Do not resume work within the radius of discovery until authorized.

If ordered, furnish resources to assist in the investigation or recovery of archaeological or cultural resources.

When shown, install a high-visibility fence or other authorized enclosure to protect the archeological or tribal cultural resource area and define its boundaries before starting other job site activities.

3-3 Cultural Monitoring Areas

Section 3-3 applies if cultural monitoring areas are identified in the issued encroachment permit.

3-3A General

Do not start work in a cultural monitoring area until required monitors are authorized and present on-site.

Cultural monitoring areas are listed in Section 3-3B. When the encroachment permit describes a cultural monitoring area within, near, or straddling the job site, the boundaries shown are approximate. The State Representative marks the exact boundaries of the cultural monitoring area on the ground.

The Department may assign archaeological monitors to observe the work activities within the cultural monitoring area. Department-assigned archaeological monitor needs are identified in Section 3-3C. The State Representative and Department-assigned monitors may conduct a field review with the permittee at least 5 business days before the start of job site activities.

The permittee may be required to provide permittee-supplied archaeological monitors and/or tribe-authorized monitors to observe the work activities within the monitoring area. The Department will identify tribes authorized to assign monitors, if required. Permittee-supplied archaeological monitor and/or tribe-authorized monitor needs are identified in Section 3-3C. The State Representative and the Department's PQS may conduct a field review with the permittee and the permittee-supplied archaeological monitors at least 5 business days before the start of job site activities.

3-3B Cultural Monitoring Area Locations and Designations

The locations and designations of cultural monitoring areas within, near, or straddling the job site are shown in the following table. If no cultural monitoring areas are identified in the project, "Designation and description" is marked N/A.

Cultural Monitoring Areas

Designation and description	Post mile limits

3-3C Cultural Monitors

Number of required Department-assigned archaeological monitors, permittee-supplied archaeological monitors, and tribe-authorized monitors are identified in the table below. Tribes authorized to assign monitors are listed individually below. If no cultural monitoring areas are identified in the project, table is marked n/a.

Cultural Monitors [example in blue]

Monitor Source	Number of monitors
Department-assigned	2
Permittee-supplied	0
Tribe Name 1	1
Tribe Name 2	1

Cultural Monitors

Monitor Source	Number of monitors

If permittee-supplied archaeological monitors are required, submit the name, resume, and statement of qualifications for a permittee-supplied archaeological monitor at least 30 business days before starting work in the monitoring area. A permittee-supplied archaeological monitor must have demonstrated field experience performing archaeological monitoring and comply with the requirements of the Department's Professionally Qualified Staff Standards for Co-Principal Investigator in either Prehistoric or Historical Archaeology found in Appendix 1 of the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, the United States Army Corps of Engineers' Sacramento District, San Francisco District, and Los Angeles District, and the California Department of Transportation Regarding Compliance with Section*

106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California at the Department's website located at <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/106-pa-2024-a11y.pdf>.

3-3D Permittee-assigned Monitor Requirements

Section 3-3D applies if a permittee-supplied archaeological monitor is required.

The permittee-supplied archaeological monitor must:

1. Monitor the work activities in the monitoring areas and near ESAs as identified above and in the encroachment permit.
2. Ensure that construction activities comply with the encroachment permit provisions.
3. Immediately notify the State Representative and Department PQS of any cultural or archaeological discoveries.
4. Prepare, submit to the State Representative, and sign notifications and reports.

3-3E Submittals

Work Schedules

Submit a schedule to the State Representative and the Department PQS showing the days and hours that work will be performed in a cultural monitoring area at least 5 business days before starting work in the monitoring area. Submit an updated schedule at least 5 business days before any changed workday.

Permittee-supplied Archaeological Monitor Reports

If a permittee-supplied archaeological monitor is required, they must submit a report to the Department PQS every Monday for the previous week. The report must include:

1. Names of the archaeological monitor and tribal monitor conducting monitoring work
2. Dates and times of monitoring
3. Locations and the activities monitored
4. Name of archaeological monitor who prepared the report
5. Signature of the archaeological monitor certifying the accuracy of the report

6. Statement that no discoveries, unanticipated effects, ESA breaches, or monitoring area violations were observed, or the details of the events, including:
 - 6.1. Photographs and description of the discovery, unanticipated effect, or ESA breach area
 - 6.2. Actions taken in response to the event(s)
 - 6.3. Recommendations for additional protection measures
 - 6.4. Chain of custody documentation if archaeological materials are moved from original locations

3-4 Cultural Environmentally Sensitive Areas

Section 3-4 applies if ESAs are identified in the issued encroachment permit.

3-4A General

ESAs are listed in Section 3-4B. When the encroachment permit describes a cultural ESA within, near, or straddling the job site, the boundaries shown are approximate. The State Representative and Department PQS mark the exact boundaries of the ESA on the ground. The Department PQS may approve the permittee-supplied archaeological monitor to mark the exact boundaries of the ESA on the ground.

Do not enter an ESA unless authorized.

If an ESA is breached, immediately:

1. Stop all work within a 60-foot radius of the ESA boundary
2. Secure the area
3. Notify the State Representative and Department PQS

If an ESA is damaged, the Department determines the necessary remediation and the party to perform the work. If ordered, furnish resources to assist in the investigation or recovery of cultural resources.

ESA signs must:

1. Be weatherproof and fade-proof
2. Be from 8-1/2 to 11 inches high and from 11 to 14 inches wide
3. Have a message that is legible from a distance of 20 feet by persons with 20/20 vision or vision corrected to 20/20
4. Be attached to the ESA barrier with tie wire or locking plastic fasteners

The signs may be made of laminated printed paper attached to an inflexible weatherproof backer board.

Access to an ESA other than that described is prohibited.

3-4B Environmentally Sensitive Areas Designations

Project ESAs are listed below. Use the management measures for the corresponding ESA shown in the following table:

ESA Management [example in blue]

Identification	Location	Management measures
ESA 1	PM 21.4	Orange mesh fencing required (or no physical barrier required); no physical access allowed

ESA Management

Identification	Location	Management measures